BENNO & ASSOCIATES P.C.

July 12, 2023

BY ECF
Hon. Vernon S. Broderick
United States District Court, SDNY
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 518
New York, NY 10007

   Re: *Steven Goldstein, et al. v. Kathy Hochul, et al.*, Index No. 22-CV-8300

Dear Judge Broderick:

   I am co-counsel for plaintiffs in the above-referenced action. For the reasons stated in our prior briefings and at the October 28, 2022 Show Cause hearing, plaintiffs intend to file an emergency motion for an injunction pending appeal in the Second Circuit. Pursuant to Federal Rule of Civil Procedure 62 and Federal Rule of Appellate Procedure 8(a)(1)(C), plaintiffs hereby present that motion to this Court in the first instance.

   Should this Court desire formal motion practice, plaintiffs are prepared to do so. However, as an alternative to formal briefing, and given the comprehensive briefings that were previously filed in this matter, plaintiffs respectfully request that this Court accept this submission as plaintiffs' letter motion for an injunction pending appeal and enter an expedited ruling based on the parties' prior submissions.

   I have conferred with counsel for all defendants about this application. Counsel for defendants Hochul, James, Sewell and Gonzalez have informed me that they anticipate opposing the motion for a stay pending appeal, but consent to doing so by letter with reliance on their previous submissions. At the time of this writing, I have not heard back from counsel for defendants Walsh and Falco. I note that the Rockland County defendants did not submit separate opposition to plaintiffs' motion for a preliminary injunction, but deferred to the papers filed by their co-defendants.

   Accordingly, plaintiffs respectfully request that this Court accept this submission as plaintiffs' letter motion for an injunction pending appeal and enter an expedited ruling based on the parties' prior submissions.

   We thank the Court for its consideration.

        Respectfully submitted,

        /S/ Ameer Benno

        Ameer Benno

Cc: All counsel (by ECF)

30 Wall Street, 8th Floor   T: (212) 227-9300
New York, NY 10005   F: (212) 994-8082
www.BennoLaw.com   abenno@bennolaw.com